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VIA ECF

The Honorable Edgardo Ramos
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Jermal Lincoln*, 21 CR 442 (ER)

Dear Judge Ramos:

Mr. Lincoln was sentenced on July 22, 2022, to term of 60 months imprisonment. The Guideline range for Mr. Lincoln at the time of sentencing was 70-87 months. The total offense level was 23 and Mr. Lincoln's criminal history category was IV because he had seven points. Two of those points were pursuant to U.S.S.G. § 4A1.1(d) because Mr. Lincoln was on probation at the time of the offense. However, with the 2023 revision to the Guidelines and retroactivity associated with the provision, the two points pursuant to U.S.S.G. § 4A1.1(d) are no longer applicable. Thus, Mr. Lincoln's criminal history category would now be III due to Amendment 821. Accordingly, the range when calculated using the 2023 Guidelines would now be 57-71 months.

On October 2, 2023, Mr. Lincoln filed a *pro se* motion pursuant to 18 U.S.C. § 3582(c) for a sentence reduction. The Court subsequently appointed me to represent Mr. Lincoln. I write to adopt Mr. Lincoln's motion and to request that the Court re-sentence him to a term not greater than 47 months-imprisonment. I make this request for 47 months because the Court previously imposed a 10-month downward variance from 70 months to 60 months. I ask that the Court impose the same variance but apply it to the low end of the new range, which would be 47 months.

Respectfully Submitted,

/s/

John P. Buza